

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In Re:

Linda Lee Teresa Giaccio

Debtor

Chapter 13

Bankruptcy No. 24-11344-AMC

TRUSTEE'S MOTION TO DISMISS WITH A BAR ORDER
PURSUANT TO 11 U.S.C. SECTIONS 105 AND 1307

To the Honorable Judges of the United States Bankruptcy Court for the Eastern District of Pennsylvania:

1. Your Movant is Scott F. Waterman, Esq. the duly qualified and acting Chapter 13 Trustee in the above-captioned case.
2. The within case was commenced by the filing of a Chapter 13 petition on 04/19/2024.
3. This Motion to Dismiss has been filed for the following reason(s):
 - Debtor(s) is/are ineligible to file a Chapter 13 petition pursuant to 11 U.S.C. Section 109(g)(2) because debtor(s) requested and obtained the voluntary dismissal of a case following the filing of a request for relief from the automatic stay provided by 11 U.S.C. Section 362.
 - Debtor(s) has/have filed bankruptcy in bad faith.
4. The debtor has filed six prior bankruptcy cases, either individually, or jointly with a spouse, as follows:
 - (1) 16-11217-JKO, Chapter 13, Filed by Linda Giaccio on January 28, 2016 in the Southern District of Florida. The case was dismissed on Trustee's Motion to Dismiss on November 10, 2016 due to the failure of the debtor to make plan payments.
 - (2) 17-16725-JKO, Chapter 13, Filed by Linda Giaccio on May 30, 2017 in the Southern District of Florida. The case was dismissed on December 20, 2017 due to Order of Court Denying Confirmation and Dismissing Chapter 13 Case.
 - (3) 19-14462-PGH, Chapter 13, Filed by Linda Giaccio on April 5, 2019 in the Southern District of Florida. The case was dismissed on November 6, 2019 due to Order of Court Denying Confirmation and Dismissing Chapter 13 Case.

(4) 20-15363-SMG, Chapter 13, filed by Linda Giaccio on May 15, 2020 in Southern District of Florida. The case was dismissed on May 19, 2021 pursuant to the Order Granting Debtor's Verified Motion to Voluntary Dismissal of Chapter 13 Case.

(5) 21-17744-SMG, Chapter 13, Filed by Linda T. Giaccio on August 9, 2021 in the Southern District of Florida. The case was dismissed on Trustee's Motion to Dismiss on December 27, 2022 due to the failure of the debtor to make plan payments.

(6) 23-12090-SMG, Chapter 13, Filed by Linda T. Giaccio aka Linda Teresa Giaccio on March 17, 2023. The case was dismissed with a 180 day bar on April 12, 2024 pursuant to the Order Granting Notice of Voluntary Dismissal.

WHEREFORE, Scott F. Waterman, Esq., Standing Chapter 13 Trustee, respectfully requests that, pursuant to 11 U.S.C. Sections 105 and 1307, the Court enter an Order dismissing this case and barring the debtor from filing another bankruptcy petition, either individually or jointly with a spouse, without prior leave of Court FOR A PERIOD OF TWO YEARS.

Date: 04/25/2024

Respectfully submitted,

/s/ Ann Swartz, Esq.

Ann Swartz, Esq.

for

Scott F. Waterman, Esq.

Standing Chapter 13 Trustee

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